

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

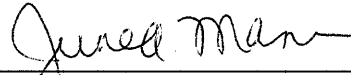
IN RE:	§	
MERITAGE MORTGAGE	§	
CORPORATION,	§	CASE NO. 09-30971-SGJ-7
Debtor	§	CHAPTER 7
	§	
BARCLAYS CAPITAL REAL ESTATE	§	
INC. DBA HOMEQ SERVICING, as	§	
servicer for DEUTSCHE BANK NATIONAL	§	
TRUST COMPANY, AS TRUSTEE UNDER	§	
POOLING AND SERVICING	§	
AGREEMENT DATED AS OF JUNE 1,	§	HEARING DATE AND TIME:
2006 MORGAN STANLEY IXIS REAL	§	JUNE 9, 2009 AT 10:30 A.M.
ESTATE CAPITAL TRUST 2006-1, their	§	
successors and/or assigns,	§	
Movant	§	
	§	
vs.	§	
	§	
MERITAGE MORTGAGE	§	
CORPORATION, Debtor and DANIEL	§	
SHERMAN, Trustee,	§	
Respondents	§	

AFFIDAVIT IN SUPPORT OF MOTION FOR RELIEF FROM STAY

Comes now **BARCLAYS CAPITAL REAL ESTATE INC. DBA HOMEQ SERVICING**, as servicer for **DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE UNDER POOLING AND SERVICING AGREEMENT DATED AS OF JUNE 1, 2006 MORGAN STANLEY IXIS REAL ESTATE CAPITAL TRUST 2006-1**, their **successors and/or assigns** to file the attached Affidavit in support of its *Motion for Relief from Stay of Act Against Property*.

Respectfully Submitted,

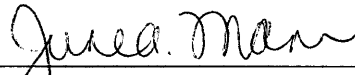
By:



June A. Mann / TBA No. 12928400
David Aaron DeSoto / TBA No. 00790585
Branch M. Sheppard / TBA No. 24033057
Grant M. Tabor / TBA No. 24027905
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Mann & Stevens, P.C.
550 Westcott Street, Suite 560
Houston, Texas 77007
(713) 293-3600
(713) 293-3636 (Facsimile)
ATTORNEY FOR MOVANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Affidavit* has been served upon the following parties via electronic means through the Court's CM/ECF system or by pre-paid regular first class U.S. Mail on May 21, 2009.



June A. Mann

DEBTOR'S ATTORNEY (via electronic notice)

ELIZABETH GRACE SMITH
LAW OFFICES IF ELIZABETH G. SMITH
6655 FIRST PARK TEN, SUITE 250
SAN ANTONIO, TX 78213

DEBTOR

MERITAGE MORTGAGE CORPORATION
1601 BRYAN STREET, SUITE 19034
DALLAS, TX 75201

INTERESTED PARTY

KELLY STALLINGS
256 TOMPKINS AVENUE
BROOKLYN, NY 11216

TRUSTEE (via electronic notice)

DANIEL SHERMAN
509 N. MONTCLAIR
DALLAS, TX 75208

U. S. TRUSTEE (via electronic notice)

U. S. TRUSTEE
1100 COMMERCE STREET, ROOM 976
DALLAS, TX 75242

PARTIES REQUESTING NOTICE (via electronic notice if so designated for receipt of such in CM/EFC)

MARY DAFFIN
BARRETT DAFFIN FRAPPIER
TURNER & ENGEL, LLP
1900 ST. JAMES PLACE, 5TH FLOOR
HOUSTON, TX 77056

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IN RE:	§	
MERITAGE MORTGAGE	§	
CORPORATION,	§	CASE NO. 09-30971-SGJ-7
Debtor	§	CHAPTER 7
	§	
BARCLAYS CAPITAL REAL ESTATE INC.	§	
DBA HOMEQ SERVICING, as servicer for	§	
DEUTSCHE BANK NATIONAL TRUST	§	
COMPANY, AS TRUSTEE UNDER	§	
POOLING AND SERVICING AGREEMENT	§	HEARING DATE AND TIME:
DATED AS OF JUNE 1, 2006 MORGAN	§	JUNE 9, 2009 AT 10:30 A.M.
STANLEY IXIS REAL ESTATE CAPITAL	§	
TRUST 2006-1, their successors and/or	§	
assigns,	§	
Movant	§	
	§	
vs.	§	
	§	
MERITAGE MORTGAGE	§	
CORPORATION, Debtor and DANIEL	§	
SHERMAN, Trustee,	§	
Respondents	§	

AFFIDAVIT IN SUPPORT OF
MOTION FOR RELIEF FROM STAY OF ACT AGAINST PROPERTY
FILED BY BARCLAYS CAPITAL REAL ESTATE INC. DBA HOMEQ SERVICING, as
servicer for DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE UNDER
POOLING AND SERVICING AGREEMENT DATED AS OF JUNE 1, 2006 MORGAN
STANLEY IXIS REAL ESTATE CAPITAL TRUST 2006-1

THE STATE OF North Carolina §
COUNTY OF Wake §

BEFORE ME, the undersigned authority, on this day personally appeared Joy Kanish
who is over the age of eighteen years, is fully qualified and authorized to give this Affidavit and
has personal knowledge of the matters addressed herein. After being by me duly sworn on
her/his oath deposed and stated:

1. "My name is **Joy Vanish**. I am a **Assistant Vice President** **BARCLAYS CAPITAL REAL ESTATE INC. DBA HOMEQ SERVICING**, as servicer for **DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE UNDER POOLING AND SERVICING AGREEMENT DATED AS OF JUNE 1, 2006 MORGAN STANLEY IXIS REAL ESTATE CAPITAL TRUST 2006-1**, their successors and/or assigns ("Movant"). I have access to the books and records for said creditor on the subject loan. I have become familiar with the manner and method in which maintains its books and records in its regular course of business. Those books and records are managed by employees and agents whose duty is to keep the books and records accurately and completely and to record each event or item at or near the time of the event or item so noted.


2. I have reviewed the books and records which reveal that Movant is the owner and holder of a Note ("Note") secured by a Deed of Trust of even date and executed by KELLY STALLINGS, AN UNMARRIED WOMAN on or about APRIL 17, 2006. The original mortgagor also executed a Deed of Trust in connection with the Note and it was duly recorded. The Note and the Deed of Trust were assigned by MERITAGE MORTGAGE to DEUTSCHE BANK NATIONAL TRUST COMPANY. True and correct copies of the loan documents are attached hereto as Exhibit "A" and incorporated herein for all purposes.

3. As of **May 5, 2009**, Ms. Stallings, as the original obligor on the indebtedness, is contractually delinquent for thirty-six (36) monthly mortgage payments plus applicable late charges. As of the date of the filing of the Motion, the approximate payoff amount owed to Movant was **\$731,473.88**. This sum includes principal balance, accrued interest, accrued late

charges and escrow advances but does not include attorneys' fees incurred in connection with this bankruptcy case.

4. Movant has had to retain counsel to represent it before this Court and is incurring legal expenses and attorneys' fees for handling the *Motion for Relief from Stay of Act Against Property* for which it is entitled to reimbursement under the terms of the Note.

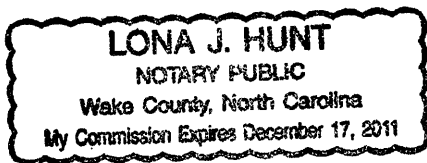
5. The foregoing facts are of my own personal knowledge and belief, and if called upon to appear as a witness, I could, and would, testify competently thereto. I declare under penalty of perjury that to the best of my knowledge the foregoing facts are true and correct."

By: 
Print Name: **Joy Vanish**
Title: **Assistant Vice President**

SUBSCRIBED AND SWORN TO BEFORE ME, on May 18, 2009.

My commission expires:


NOTARY PUBLIC



Lona J. Hunt
(Printed Name of Notary Public)